

REMARKS

Restriction Requirement

The examiner issued a restriction requirement between five claim groups. Applicant traverses the restriction requirement, and provisionally elects Group I for further prosecution. Applicant also respectfully requests reconsideration of the restriction requirement with respect to Group II, and consideration of the remaining claims from Group II. Claims 57-152 have been canceled, without prejudice.

The examiner admits that inventions I and II are distinct only if it can be shown that

- (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, **and**
- (2) the subcombination has utility by itself or in other combinations.

The examiner has not made the required showing of **both elements (1) and (2)**.

In support of the restriction requirement, the examiner argues that “the combination as claimed does not require the particulars of the subcombination as claimed **because** the combination (the platform molecules) have a utility in that they may be precursors to resin or non-resin materials. The subcombination has separate utility such as a liquid crystalline material for use in electro-optical displays.” (emphasis added)

Basically, the examiner argues that, if (2) is established, then (1) necessarily is established. The examiner’s argument contradicts MPEP 806.05(c), which requires a showing of **both (1) and (2)**. “When these factors cannot be shown, such inventions are not distinct.” *Id.*

Claims 27 and 28, as originally filed, required “the particulars of the subcombination as claimed for patentability.” In order to highlight this point, Applicant has canceled claims 27 and

28 and submits new claims 157 and 158, which essentially are claims 27 and 28 in dependent form. The subcombination of Claim 1 in Group I clearly is essential to the combination of claims 157 and 158. Therefore, “the inventions are not distinct and a requirement for restriction must not be made, even though the subcombination has separate utility.” MPEP 806.05(c)(II). The remaining claims in Group II depend, directly or indirectly, from claims 157 and 158 and also require the “particulars of the subcombination as claimed for patentability.”

New claims 157-181 more fully develop the Group elected for further prosecution.

Election of Species

The examiner also requires an election of species. Applicant traverses the requirement for an election of species because the claims are directed to methods--not to compositions, such as a mesogen or starting material. The election of species requirement is based on **composition limitations**--not on **method limitations**.

Applicant requests reconsideration of the requirement for an election of species. In an effort to move the application forward, Applicant provisionally elects species in which both terminal functionality groups are not polymerizable and in which the starting material comprises hydroxy groups. The following claims are believed to read upon this species: 4, 8, 158-160, 165-168, 171, 180-181. Upon allowance of claims to this species, applicant respectfully requests reinstatement and examination of the remaining pending claims.

CONCLUSION

For the foregoing reasons, applicant respectfully requests entry of the amendments submitted herewith before consideration of the claims on the merits, reconsideration of both the

restriction requirement and the election of species requirement, and consideration and allowance of the pending claims.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Paula Morris", is written over a horizontal line.

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